

REMARKS

Claims 1-11 were examined and reported in the Office Action. Claims 1 and 2 are allowed. Claims 3, 8 and 11 are rejected. Claim 7 is canceled. Claims 3, 4, 8 and 11 are amended. Claims 1-6 and 8-11 remain.

Applicant requests reconsideration of the application in view of the following remarks.

I. 35 U.S.C. §102(e)

It is asserted in the Office Action that claims 3, 8 and 11 are rejected under 35 U.S.C. § 102(e), as being anticipated by U. S. Patent No. 6,583,822 issued to Jung Sig Jun ("Jun"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

According to MPEP §2131,

'[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' (Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). 'The identical invention must be shown in as complete detail as is contained in the ... claim.' (Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, *i.e.*, identity of terminology is not required. (In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)).

Applicant's amended claim 3 contains the limitations of

A/D conversion means for converting successively inputted analogue signals to digital signals; timing error detection means for calculating an timing error between an input timing of the digital signal successively inputted from the A/D conversion means and a sampling timing of the A/D conversion means and detecting sign change of the digital signals; timing error output control means for outputting the timing error calculated from the timing error detection means and controlling the timing error output value if there is no sign change according to a detection result of a first sign detector means and a second sign detector means; filtering means for eliminating a noise of the timing error value controlled by the timing error output control means and calculating a mean value of

errors; and timing error compensation means for compensating the timing error of the sampling timing of the A/D conversion means by shifting the sampling timing corresponding to the calculated error value from the timing error detection means.

Applicant's amended claim 8 contains the limitations of

b) calculating a timing error between an input timing of the digital signal successively inputted from the A/D conversion unit and a sampling timing of the A/D conversion unit and detecting sign change of the digital signals by a timing error detection unit; c) outputting the timing error calculated from the timing error detection unit and controlling the timing error output value if there is no sign change according to a detection result of the timing error detection unit; d) eliminating a noise of the timing error value and calculating a mean value of errors; and e) compensating the timing error of the sampling timing of the A/D conversion unit by shifting the sampling timing corresponding to the calculated error value from the timing error detection unit.

Applicant's amended claim 11 contains the limitations of

b) calculating a timing error between an input timing of the digital signal successively inputted from the A/D conversion unit and a sampling timing of the A/D conversion unit and detecting sign change of the digital signals by a timing error detection unit; c) outputting the timing error calculated from the timing error detection unit and controlling the timing error output value if there is no sign change according to a detection result of the timing error detection unit; d) eliminating a noise of the timing error value and calculating a mean value of errors; and e) compensating the timing error of the sampling timing of the A/D conversion unit by shifting the sampling timing corresponding to the calculated error value from the timing error detection unit.

Jung Sig Jun discloses a timing recover device in a digital television receiver using a vestigial side band system. Jung Sig Jun, however, does not teach, disclose or suggest “controlling the timing error output value if there is no sign change according to a detection result of a first sign detector means and a second sign detector means.”

Therefore, since Jung Sig Jun does not disclose, teach or suggest all of Applicant's amended claims 1, 8 and 11 limitations, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(e) has not been adequately set forth relative to Jung Sig Jun. Thus, Applicant's amended claims 3, 8 and 11 are not anticipated by Jung Sig Jun.

Accordingly, withdrawal of the 35 U.S.C. § 102(e) rejections for claims 3, 8 and 11 are respectfully requested.

II. Allowable Subject Matter

Applicant notes with appreciation the Examiner's assertion that claims 1 and 2 are allowed. Applicant also notes with appreciation the Examiner's assertion that claims 4-7, 9 and 10 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

Applicant respectfully asserts that claims 1-6 and 8-11, as they now stand, are allowable for the reasons given above.

CONCLUSION


In view of the foregoing, it is submitted that claims 1-6 and 8-11 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

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By: 
Steven Laut, Reg. No. 47,736

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(310) 207-3800

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below to the United States Patent and Trademark Office.


Jean Svoboda

Date: April 19, 2007